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Date: Thu, Nov 4, 2004 2:41 PM
Subject: cafo regs

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Date: November 5, 2004

To: Polly Lowry, Sr. Engineering Geologist
CRWQCB

From: C. Scott Smith, P.E
CSS Environmental Engineering Services

Subject: Proposed CAFO Regulations

I have comments to offer for CRWQCB consideration on the proposed regulations based on my experience as a previous CRWQCB employee (Water Resources Control Engineer, Fresno, 1980 to 1990) and as a consulting environmental engineer for the past 14 years involved in, among other areas, regulatory compliance for dairy operations. In general, my comments are based on, what I believe, are (1) the absence of appropriate performance standards for lagoon construction, (2) the need for clearly defined objectives and rationale for the proposed groundwater monitoring requirements, and (3) the need for well conceived plan toward working with the dairy industry in minimizing potential impacts to the beneficial uses of groundwater.

The Title 27 prescriptive standards for lagoon construction (minimum 10% clay and maximum 10% gravel) are based on limited performance data, invite problems, are archaic, and produce a false sense of security in lagoon liner performance to the dairy owner endeavoring to comply with the requirements. Performance standards are in order and should be based on an allowable infiltrate rate (vs. permeability) which accounts for the average standing water height. Allowable infiltration rates should be developed on a facility-by-facility basis and include considerations for the depth to first groundwater, the hydraulic conductivity of underlying vadose soils, and design and operation of the lagoon toward promoting the continuance of a layer of anaerobes at the liner surface.

Dairy owners are having to allocate considerable monies for groundwater monitoring well installation and sampling. In most cases, the available budget for addressing environmental externalities can be better spent in appropriate lagoon construction/maintenance and in developing and implementing nutrient management programs. All too often, groundwater monitoring has been required at a dairy on the basis of analytical results for a nearby irrigation well(s). Since dairies are typically located in agricultural areas, the CRWQCB should first evaluate available public agency groundwater monitoring data to assess if it is reasonable to assume that a given dairy is the likely source of elevated fertilizer constituents in groundwater. Moreover, given the widespread use of irrigation wells completed in the confined aquifer over much of the southern portion of the Valley, the CRWQCB should review the construction information (inlet interval) for the well of concern before arriving at potential unsubstantiated conclusions that the given dairy is involved.

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The CAFO regulations place a considerable burden on the dairy industry, as well as the CRWQCB staff. The public and dairy industry would be better served by these regulations incorporating greater flexibility, reasonable objectives, and elements of cooperation with the dairy industry.

Thank you.